



Costs Decision

Site Visit made on 18 August 2021

by Simon Hand MA

an Inspector appointed by the Secretary of State

Decision date: 27th August 2021

**Costs application on relation to Appeal Ref: APP/D1265/C/20/3263942
Land lying to the East of Uddens Drive (Plot 7 Woodcraft Activities), Red
Bridge, Wimborne, BH21 7BH**

- The application is made under the Town and Country Planning Act 1990, sections 195, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
 - The application is made by Mr K forward for a full award of costs against Dorset Council.
 - The appeal was against the issue of an enforcement notice alleging the material change of use of woodland to a mixed use of land for forestry and commercial woodcraft activities.
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Decision

1. The application for an award of costs is refused.

Reasons

2. The appellant argues that had the Council carried out a proper investigation prior to issuing the enforcement notice they would have realised the unlawful activities had ceased. Furthermore the appellant was caught up in the wider issues concerning other plots on the land, which had nothing to do with him and some of the evidence provided was irrelevant to plot 7.
3. The Council have not responded.
4. In my view, as explained in the decision letter, I was not convinced the activities had ceased. Once the material change of use to non-forestry activities had commenced, just running them down was not sufficient to make another change of use back to forestry. I cannot say what the Council would have found had they visited the site on the first of November 2020, but there was no specific evidence the uses had ceased so it is likely there was still a mixed use on the site as alleged, albeit that may not have been the appellant's intention going forward. The issue of the notice was not therefore unfounded.
5. The Council did refer to other aspects of the activities on neighbouring plots, but that was either to set the scene, or because they had a composite report/statement dealing with all the breaches. There was no suggestion that they were using evidence from other plots to confuse the issue on plot 7.
6. In my view there was no unreasonable behaviour on the part of the council and so there were no wasted costs.

Simon Hand

INSPECTOR